

HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE WASHINGTON MUTUAL
MORTGAGE BACKED SECURITIES
LITIGATION

This Document Relates to: ALL CASES

Master Case No. 2:09-cv-00037-MJP

**STIPULATION, AGREED MOTION
AND ORDER MODIFYING BRIEFING
SCHEDULE ON PLAINTIFFS'
MOTION FOR CLASS
CERTIFICATION**

**NOTED ON MOTION CALENDAR:
February 3, 2011**

**STIPULATION, AGREED MOTION AND ORDER MODIFYING
BRIEFING SCHEDULE ON PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION
(No. 2:09-CV-0037-MJP) - 1**

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1 **I. STIPULATION AND AGREED MOTION**

2 Pursuant to the Scheduling Order entered by the Court on October 29, 2010, the
 3 current deadline for Lead Plaintiffs' Motion for Class Certification is February 11, 2011; the
 4 deadline for Defendants' Response to the Motion is March 25, 2011; and the deadline for
 5 Lead Plaintiffs' Reply is April 29, 2011. ECF No. 207.

6 Pursuant to Local Rules 7(d)(1) and 10(g), the parties jointly request to extend, by 28
 7 days, the briefing schedule on Lead Plaintiffs' Motion for Class Certification, as follows:

8 Lead Plaintiffs Motion for Class Certification shall be due on March 11, 2011;

9 Defendants' Response to the Motion shall be due on April 22, 2011; and

10 Plaintiffs' Reply shall be due on May 27, 2011.

12 The Parties agree that this request for extension of the deadlines set forth in the
 13 Scheduling Order is justified in light of the fact that the Parties are currently devoting
 14 substantial time and effort preparing for mediation in this matter, which is scheduled for
 15 February 24, 2011. For the sake of efficiency, the Parties have chosen to mediate at this
 16 time in order to coordinate with mediation proceedings taking place between the parties to
 17 the MDL Action, No. 2:08-md-1919 MJP. The briefing deadlines for the Class Certification
 18 Motion that were previously proposed to the Court in the October 12, 2010 Joint Status
 19 Report, and were subsequently adopted in the Scheduling Order, were proposed with the
 20 expectation that this mediation would have occurred in December 2010, which would have
 21 not caused the present conflict. The Parties respectfully request this extension so that the
 22 Parties may focus their respective resources on the upcoming mediation.

23 The Parties further agree that this request for extension of the deadlines set forth in
 24 the Scheduling Order is justified in light of the fact Lead Plaintiffs have not yet received
 25 trade data necessary for briefing their Class Certification Motion. In the Parties' Joint Status
 26 Report, the February 11, 2011 deadline for Lead Plaintiffs to file their Class Certification

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Motion was proposed by Lead Plaintiffs on the premise that the Parties would not experience “unforeseen issues” in their efforts to obtain trade data “from Washington Mutual entities due to its bankruptcy or from relevant third parties.”. ECF No. 200 at 7 n. 1. Because the Parties’ receipt of the trade data has been delayed, the Parties respectfully request this extension.

Importantly, should the Court grant the Parties' motion, no other deadlines will be affected. Indeed, key deadlines in this matter are set well into the future. For instance, fact discovery does not close until December 1, 2011. Furthermore, the revised briefing dates for the Class Certification Motion, if granted, would promote judicial economy as the Court and its staff need not review Plaintiffs' Motion if the parties can reach a settlement in the mediation.

For these reasons, the Parties respectfully request that the Court enter an order extending the briefing deadlines for Lead Plaintiffs' Motion for Class Certification as detailed herein.

Dated: February 3, 2011

Respectfully submitted,

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1 **II. ORDER**
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5 **IT IS SO ORDERED.**
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8 Dated: February 3, 2011
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12 _____
13 Marsha J. Pechman
14 United States District Judge
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CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to all counsel of record and additional persons listed below:

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